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March 10, 2017

VIA ELECTRONIC CASE FILING

Hon. Charles N. Clevert, Jr.
United States Courthouse Room 208
517 East Wisconsin Avenue
Milwaukee, WI 53202

RE: *IDC Financial Publishing Inc. v. RBC Capital Markets LLC*
Case No. 2:16-cv-00596-CNC

Dear Judge Clevert:

I write to provide an update relating to the motion to dismiss pending in the above-captioned case. In its brief in support of its motion to dismiss, RBC Capital Markets LLC (“RBC”) argued, among other things, that IDC Financial Publishing Inc. (“IDC”) failed to allege registered copyrights for particular works published in 2015. (Def. Br. in Supp. of Mot. to Dismiss at 17–18, ECF. No. 18.) While IDC disagrees with RBC’s legal argument for the reasons explained in its brief (Pl. Memo. of Law. in Opp’n to Mot. to Dismiss at 19–23, ECF No. 20), the factual premise for RBC’s argument is no longer correct. Since IDC filed its opposition to RBC’s motion to dismiss, the U.S. Copyright Office granted IDC’s pending applications and issued certificates of registration for all of the works in question. Copies of those certificates are attached. This Court may take judicial notice of IDC’s federal copyright registrations in considering RBC’s 12(b)(6) motion. *Island Software & Computer Serv., Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2d Cir. 2005) (“The district court was entitled to take judicial notice of Microsoft’s federal copyright registration.”); *see also White v. Keely*, 814 F.3d 883, 886 (7th Cir. 2016) (“We may take judicial notice of public records . . . in ruling on a motion to dismiss under Rule 12(b)(6).”). Accordingly, RBC’s argument about registration is mooted.

Very truly yours,

GODFREY & KAHN, S.C.

/s/ David R. Konkel

David R. Konkel

DRK:bss
Attachment

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